

REMARKS

Reconsideration is respectfully requested.

Entry of the above amendments is courteously requested in order to place all claims in this application in allowable condition and/or to place the non-allowed claims in better condition for consideration on appeal.

Claim 9 remains in this application. Claims 1 through 8 and 10 through 13 have been cancelled. No claims have been withdrawn or added.

The Examiner's rejections will be considered in the order of their occurrence in the Office Action.

Paragraph 4 of the Office Action

Misnumbered claim 9 has been objected to for the informalities noted in the Office Action.

The second claim 9 has been cancelled, but has been treated in the listing of claims as claim 13.

Withdrawal of the objection to misnumbered claim 9 is therefore respectfully requested.

Paragraph 5 of the Office Action

Claims 5, 8 and 13 have been rejected under 35 U.S.C. §112 (first paragraph) as containing subject matter which was not described in the specification in such a way as to enable one skilled in the art to make and/or use the invention.

Claims 5, 8 and 13 have been cancelled. It is noted that a variation of the requirements of claim 13 have been incorporated into claim 9, and it is submitted that amended language is clearly support by the specification. It is also submitted that one of ordinary skill in the art considering the

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specification would recognize that the input data relates to spoken word input and that the output relates to audible response including, for example, recipes.

Withdrawal of the §112 (first paragraph) rejection of claims 5, 8 and 13 is respectfully requested.

Paragraph 6 of the Office Action

Claim 10 has been rejected under 35 U.S.C. §112 (second paragraph) as being indefinite.

Claim 10 has been cancelled, and the language from claim 10 incorporated into claim 9 has been changed in a manner submitted to clarify the requirements of the claim 9.

Withdrawal of the §112 rejection of claim 10 is therefore respectfully requested.

Paragraphs 7 through 12 of the Office Action

Claims 1, 4, 9, 11 and 13 have been rejected under 35 U.S.C. §102(b) as being anticipated by Johansson.

Claim 2 has been rejected under 35 U.S.C. Section 103(a) as being unpatentable over Johansson in view of Sloan.

Claim 3 has been rejected under 35 U.S.C. Section 103(a) as being unpatentable over Johansson in view of August.

Claims 5 and 10 have been rejected under 35 U.S.C. Section 103(a) as being unpatentable over Johansson in view of August.

Claims 6, 7 and 12 have been rejected under 35 U.S.C. Section 103(a) as being unpatentable over Johansson in view of August.

Claim 8 has been rejected under 35 U.S.C. Section 103(a) as being unpatentable over Johansson in view of August and Courtis.

Claim 9, particularly as amended, requires (in part):

a connection port in the earpiece such that the command processing unit and memory chip are operationally couplable to a remote computer such that said operational coupling between the remote computer and the command processing unit and the memory chip permits programming of the command processing unit and memory chip, said programming of the command processing unit and the memory chip providing customized input and responsive output;

a flexible member connected to the earpiece, wherein the microphone is positioned at a distal end of the flexible member to permit positioning of the microphone adjacent to the user's mouth;

wherein the earpiece is structured to rest in the ear of the user; and.

wherein the memory chip is configured to receive customized input data and customized output data.

It is submitted that the cited patents, and especially the various allegedly obvious combinations of Johansson, Sloane, August, and Courtis set forth in the rejection of the Office Action, would not lead one skilled in the art to the applicant's invention as required by claim 9.

Withdrawal of the §102(b) and §103(a) rejections of claim 9 is therefore respectfully requested.

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CONCLUSION

In light of the foregoing amendments and remarks, early reconsideration and allowance of this application are most courteously solicited.

Respectfully submitted,

WOODS, FULLER, SHULTZ & SMITH P.C.



Jeffrey A. Proehl (Reg. No. 35,987)
Customer No. **40,158**
P.O. Box 5027
Sioux Falls, SD 57117-5027
(605)336-3890 FAX (605)339-3357

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